

**Assembly Bill No. 828**

\_\_\_\_\_

Passed the Assembly September 9, 2009

\_\_\_\_\_  
*Chief Clerk of the Assembly*

\_\_\_\_\_

Passed the Senate September 3, 2009

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day  
of \_\_\_\_\_, 2009, at \_\_\_\_\_ o'clock \_\_\_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*

## CHAPTER \_\_\_\_\_

An act to amend Section 18930.5 of the Health and Safety Code, and to add Section 25402.11 to the Public Resources Code, relating to building standards.

## LEGISLATIVE COUNSEL'S DIGEST

AB 828, Lieu. Green building standards.

Existing law requires the State Energy Resources Conservation and Development Commission to prescribe, by regulation, energy conservation and water efficiency standards for new residential and nonresidential buildings to reduce wasteful, uneconomic, inefficient, or unnecessary consumption of energy.

The California Building Standards Law provides for the adoption of building standards by state agencies by requiring all state agencies that adopt or propose adoption of any building standard to submit the building standard to the California Building Standards Commission for approval or adoption. Existing law requires the commission to adopt, approve, codify, update, and publish green building standards for any occupancy for which no state agency has the authority or expertise to propose those standards.

This bill would require the commission or any state agency proposing green building standards to seek the input of other state agencies and consult with representatives from specified groups, as prescribed. The bill would require any agency providing input to recommend to the commission or proposing agency whether the standard should be voluntary or mandatory. The bill would also authorize the State Energy Resources Conservation and Development Commission to develop and adopt voluntary energy efficiency standards, as described.

*The people of the State of California do enact as follows:*

SECTION 1. Section 18930.5 of the Health and Safety Code is amended to read:

18930.5. (a) If no state agency has the authority or expertise to propose green building standards applicable to a particular

occupancy, the commission shall adopt, approve, codify, update, and publish green building standards for those occupancies.

(b) In developing green building standards, the commission or any state agency proposing standards shall seek the input of other state agencies including, but not limited to, all of the following:

- (1) The Department of General Services.
- (2) The California Integrated Waste Management Board.
- (3) The State Air Resources Board.
- (4) The Department of Water Resources.
- (5) The Department of Toxic Substances Control.
- (6) The State Department of Public Health.
- (7) The Department of Transportation.
- (8) The Office of the State Fire Marshal.
- (9) The Department of Housing and Community Development.

(c) If the commission or an agency that proposes green building standards receives input from another state agency and the input is consistent with the agency's mandate, the commission or the receiving agency shall consider and respond in writing to the input provided. A written response is intended to serve as an acknowledgment of the receipt and consideration of input and allow the public to track the development of green building standards.

(d) In developing green building standards, the commission or any state agency proposing the standards shall also consult with representatives from all of the following:

- (1) Environmental advocacy groups.
- (2) Interested local government and code enforcement entities.
- (3) The building construction and design industry.
- (4) Interested public parties.

(e) In addition to meeting the requirements of subdivision (b), the development of green building standards shall comply with the process described in Section 18930.

(f) An agency that provides input regarding green building standards, as described in subdivisions (b) and (c), shall recommend to the commission or agency proposing the standard whether the standard should be voluntary or mandatory. Voluntary standards shall exceed mandatory standards where such mandatory standards exist.

(g) Green building standards proposed or adopted pursuant to this section shall be intended to protect the public's health and

safety, minimize the building's impact on the environment through efficient use of natural resources, promote occupant health, and reduce strain on the local infrastructure while utilizing best available technology and building practices. These building standards include, but are not limited to, standards relating to site planning, water efficiency, energy efficiency, materials and resource efficiency, reduction of toxic chemicals, indoor air quality, and environmental quality.

SEC. 2. Section 25402.11 is added to the Public Resources Code, to read:

25402.11. (a) The State Energy Resources Conservation and Development Commission may develop, adopt, and submit to the California Building Standards Commission voluntary energy efficiency standards.

(b) The voluntary standards specified in subdivision (a) shall be considered green building standards for the purposes of Section 18930.5 of the Health and Safety Code and shall exceed the mandatory standards adopted by the State Energy Resources Conservation and Development Commission pursuant to Section 25402.

(c) In developing the voluntary standards specified in subdivision (a), the State Energy Resources Conservation and Development Commission shall seek to do both of the following:

- (1) Ensure that the cost to the public is reasonable, based on the overall benefit to be derived from the building standards.
- (2) Leverage available incentive mechanisms.







Approved \_\_\_\_\_, 2009

---

*Governor*